

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

THOMAS SAWYER,)	
TDCJ #579557,)	
Plaintiff,)	
)	Civil No. 7:13-CV-038-O-BL
v.)	
)	
DAVID POTTER, <i>et al.</i> ,)	
Defendants.)	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After making an independent review of the pleadings, files and records in this case, of the Report and Recommendation of the United States Magistrate Judge, and of Plaintiff's objections thereto, I am of the opinion that the Report and Recommendation of the Magistrate Judge is correct and it is hereby adopted and incorporated by reference as the Findings of the Court.

The Court further finds that Plaintiff has been previously sanctioned and is barred from filing without first obtaining permission from a judicial officer. In *Sawyer v. Polunsky*, No. 4:97-CV-562 (S.D. Tex. 2000), Plaintiff's complaint was dismissed as frivolous. The Court later found that Sawyer had "wilfully ignored, or [had] deliberately misinterpreted, [the] court's and the Fifth Circuit's opinions." The Court stated that it would "not tolerate such blatant disregard for court orders." Sawyer was sanctioned \$500 and barred from filing "any more complaints, motions, pleadings, submissions, or other documents until that sanction [was] paid **and** he secure[d] permission to file from a judicial officer." Review of the docket sheet in *Sawyer v. Polunsky* reflects that the \$500 sanction has been paid. However, Sawyer failed to secure permission from a judicial officer prior to filing the instant complaint.

Pursuant to Miscellaneous Order No. 48 (N.D. Tex.), filed on Nov. 16, 1993, this Court observes and enforces sanctions imposed by other federal courts in Texas. *See Balawajder v. Scott*, 160 F.3d 1066, 1067-68 (5th Cir. 1999) (affirming dismissal of a federal action based upon district court's policy of enforcing sanctions imposed by other federal courts in Texas). Sawyer did not have permission to file this lawsuit.

For the foregoing reasons, it is ORDERED that this case is DISMISSED without prejudice.

SO ORDERED this 15th day of May, 2013.


Reed O'Connor
UNITED STATES DISTRICT JUDGE